THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.25371 of 2007

Between:

Anumakonda Venkata Ramakrishna.

.. PETITIONER

and

Artamuru Gram Panchayat and another.

.. RESPONDENTS

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ORDER:

It is the case of the petitioner that he is the owner and possessor of the land admeasuring Ac.7-00 cents in R.S.No.595/6 situated at Artamuru Village, Bantumilli Mandal, Krishna District, and he constructed a house bearing No.6-61. It is sated that a well was dug in the said land and apart from the said well, there were some other wells in the village and the villagers used to make use of the water of the said wells. After getting tap connection, the villagers abandoned using the said wells including the petitioner's well. As the well was not in use and as there was some inconvenience to approach the petitioners' house, the well was closed by the petitioner. It is stated that the well is situated in the private land of the petitioner and it is not the Gram Panchayat land or in the road margin. While so, the Gram Panchayat, Artamuru, passed a Resolution, dated 12-11-2007, for redigging of a well in a four feet width for the public use, which has been closed by the petitioner. Aggrieved by the said Resolution, this writ petition has been filed contending that the petitioner has not been issued any notice and he is not a party to the said Resolution and the Gram Panchayat cannot re-dig the well in the private land of the petitioner.

I am not inclined to express any opinion whether the said well is situated in the private land of the petitioner or the said land belongs to the Gram Panchayat or in the road margin. In fact, the subject matter of the Resolution is to get survey and to take appropriate action for re-digging of the well.

Having regard to the facts and circumstances of the case, the respondents are directed to issue a show-cause notice to the petitioner, pursuant to the Resolution, dated 12-11-2007, calling upon him to submit explanation within ten days as to why the well shall not be re-digged, if it is in the land of the Gram Panchayat or if the Gram Panchayat has got any right or authority to redig the well, and pass appropriate orders after giving reasonable opportunity of the petitioner. Unless the final orders are passed, status-quo obtaining as on today shall be maintained.

Accordingly, the writ petition is disposed of. There shall be no order as to costs.

29-11-2007

Note:

Issue C.C. by tomorrow

(B/o)

Prv